

EXHIBIT 95

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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

ORACLE USA, INC., a Colorado corporation;
and ORACLE INTERNATIONAL
CORPORATION, a California corporation,

Plaintiffs,

v.

RIMINI STREET, INC., a Nevada corporation;
SETH RAVIN, an individual,

Defendants.

Case No. 2:10-cv-106

**COMPLAINT FOR DAMAGES AND
INJUNCTIVE RELIEF FOR:**

**(1) COPYRIGHT INFRINGEMENT;
(2) VIOLATIONS OF THE FEDERAL
COMPUTER FRAUD AND ABUSE
ACT;
(3) VIOLATIONS OF THE
COMPUTER DATA ACCESS AND
FRAUD ACT;
(4) VIOLATIONS OF NRS 205.4765;
(5) BREACH OF CONTRACT;
(6) INDUCING BREACH OF
CONTRACT
(7) INTENTIONAL INTERFERENCE
WITH PROSPECTIVE ECONOMIC
ADVANTAGE;
(8) NEGLIGENT INTERFERENCE
WITH PROSPECTIVE ECONOMIC
ADVANTAGE;
(9) UNFAIR COMPETITION;
(10) TRESPASS TO CHATTELS;**

**(11) UNJUST ENRICHMENT /
RESTITUTION;
(12) UNFAIR PRACTICES; and
(13) AN ACCOUNTING.**

DEMAND FOR JURY TRIAL

Plaintiffs Oracle USA, Inc. (“Oracle USA”) and Oracle International Corporation (“OIC”) (together “Oracle” or “Plaintiffs”) for their Complaint against Defendants Rimini Street, Inc. and Seth Ravin, allege as follows based on their personal knowledge as for themselves, and on information and belief as to the acts of others:

I. JURISDICTION

1. Oracle’s first cause of action arises under the Federal Copyright Act, 17 U.S.C. §§ 101 *et seq.*, and its second cause of action arises under the Computer Fraud and Abuse Act, 18 U.S.C. §§ 1030 *et seq.* Accordingly, this Court has subject matter jurisdiction over this action pursuant to 18 U.S.C. § 1030(g), 28 U.S.C. § 1331, and 28 U.S.C. § 1338.

2. This Court has supplemental subject matter jurisdiction over the pendent state law claims under 28 U.S.C. § 1367, because these claims are so related to Oracle’s claims under federal law that they form part of the same case or controversy and derive from a common nucleus of operative facts.

3. This Court also has original subject matter jurisdiction over the state law claims under 28 U.S.C. § 1332 because there is a complete diversity of citizenship between the Plaintiffs and the Defendants, and the amount in controversy exceeds \$75,000.

II. INTRODUCTION

4. *“The key is you have to be authorized. . . . Either you’re authorized or you’re not.”* (Seth Ravin, commenting on Oracle’s 2007 lawsuit against SAP for illegally downloading Oracle’s intellectual property).

5. This case is about the massive theft of Oracle’s software and related support materials through an illegal business model by Defendant Rimini Street and its CEO and President, Defendant Seth Ravin. Rimini Street holds itself out as a support provider to companies that license certain of Oracle’s enterprise software applications, including its

1 PeopleSoft, J.D. Edwards (“JDE”) and Siebel-branded software. Central to Rimini Street’s
2 business model is the illegal downloading of Oracle’s Software and Support Materials¹ in a
3 scheme that is vast in scope, consisting of many thousands of Software and Support Materials.
4 Rimini Street typically logs on to Oracle’s password protected Technical Support websites using
5 a customer credential, then downloads Software and Support Materials in excess of the
6 customer’s authorization under its license agreement. Sometimes Rimini Street will download
7 hundreds or even thousands of Software and Support Materials at a time, relating to entire
8 families of software (e.g., PeopleSoft, JDE, or Siebel) that the customer does not license and for
9 which it has no use.

10 6. Rimini Street automates its massive downloading with “robots” or
11 “crawlers,” in intentional violation of Oracle’s Technical Support website Terms of Use. These
12 intrusions have damaged Oracle’s support services by causing the databases which host the
13 Software and Support Materials to freeze, disrupting their operation and impeding the
14 availability of lawful downloads to Oracle’s other customers.

15 7. Ravin has admitted that downloads in excess of the customer’s
16 authorization are improper. In an interview he explained that “It is very common for [a
17 customer] to provide a password and ID for us to get to download upgrades and support. It’s a
18 standard industry practice across every consulting firm. *The key is you have to be authorized.*”
19 (emphasis supplied). Ravin emphasized that “[y]ou need to be very careful about parsing
20 documents – whether you take 20 or hundreds. *Either you’re authorized or you’re not.*”
21 (emphasis supplied).

22 8. Ravin’s admission that Rimini Street may not download Oracle Software
23 and Support Materials for which the customer lacks authorization is correct. His description of
24 Rimini Street’s business practices is false. Rimini Street’s massive, illegal downloads of Oracle
25

26 ¹ These copyrighted materials, which include software applications and environments,
27 program updates, software updates, bug fixes, patches, custom solutions, and instructional
28 documents across the entire PeopleSoft, J.D. Edwards and Siebel families of software products,
are referred to throughout as “Software and Support Materials.”

1 DATED: January 25, 2010

BOIES SCHILLER & FLEXNER LLP

2
3 By: /s/ Richard J. Pocker

4 Richard J. Pocker
5 Attorneys for Plaintiffs
6 Oracle USA, Inc. and Oracle International Corp.

7 DATED: January 25, 2010

8 BINGHAM McCUTCHEN LLP

9
10 By: /s/ Geoffrey M. Howard

11 Geoffrey M. Howard
12 Attorneys for Plaintiffs
13 Oracle USA, Inc. and Oracle International Corp.